

PUBLIC NOTICE
OF
EPA'S REVIEW OF MAINE WATER QUALITY STANDARD REVISIONS AS THEY
APPLY IN INDIAN TERRITORIES

The Maine Department of Environmental Protection (DEP) has submitted to the U.S. Environmental Protection Agency (EPA) a set of water quality standard (WQS) revisions for review under the federal Clean Water Act section 303(c)(33 U.S.C. § 1313). DEP has specifically requested that EPA approve these WQS revisions to apply statewide, including in the Indian territories throughout Maine, citing the State's authority under the Maine Implementing Act (MIA, 30 M.R.S.A § 6401, et seq.) as ratified by the Maine Indian Claims Settlement Act (MICSA, 25 U.S.C. § 1721, et seq.). DEP provided public notice of the substance of these WQS revisions as they applied generally in the State, but the notice did not explicitly indicate that DEP intended to seek EPA's approval of these revisions to apply in Indian territories. In case this aspect of the State's WQS revisions was unclear to some members of the public, EPA has decided to solicit additional comment on the approvability of these WQS in Indian territories.

The revisions include changes to the human health ambient water quality criteria for the allowable levels in surface waters for three toxic pollutants: arsenic, acrolein, and phenol. For arsenic, DEP has changed the cancer risk level and fish consumption rate for inorganic arsenic used in calculating the criteria and has revised the inorganic arsenic criteria accordingly. For acrolein and phenol, DEP has updated its ambient water quality criteria consistent with updates EPA has made to its recommended criteria for those pollutants based on newly published reference doses.

EPA is inviting comment on whether to approve these WQS revisions to apply in Indian territories in Maine. In particular, EPA asks for comments on the State's authority under the MIA and MICSA to set WQS in Indian territories and on whether these WQS revisions in particular adequately protect water quality in Indian territories. The revised WQS and supporting material the State submitted may be obtained at no cost by contacting Ellen Weitzler at USEPA, 5 Post Office Square, Suite 100, Mail code OEP06-2, Boston, MA 02109-2912, Telephone: 617-918-1582, email: weitzler.ellen@EPA.gov. Comments must be submitted, no later than September 13, 2013, by mail or email to Ellen Weitzler at the above addresses.